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THIS ORDER RELATES TO A
HEARING HELD ON
FEBRUARY 6, 2008

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

EDWARD MARLATT,

Chapter 13 Case No. 107-44972-353

ORDER DISMISSING CASE
WITH COSTS

Debtor.

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UPON the December 21, 2007 written application of Marianne DeRosa, Chapter 13 Trustee, (the "Trustee") seeking entry of an Order dismissing the instant Chapter 13 case pursuant to 11 U.S.C. §1307(c) and due notice of the aforesaid application having been given to all necessary parties; and

WHEREAS, on February 6, 2008, Krista M. Tedaldi, Esq., Staff Attorney for the Trustee, appeared in support thereof and no one appeared on behalf of the Debtor; and

WHEREAS, the Debtor's proposed Chapter 13 Plan does not provide that all of the Debtor's projected disposable income **is to be paid under the plan received** in the applicable commitment period **for the benefit of will be applied to make payments to** unsecured creditors, **under the plan**, as required by 11 U.S.C. §1325(b)(1)(B), and as such it cannot be confirmed; and

WHEREAS, the foregoing constitutes cause for dismissal of a Chapter 13 case; it is accordingly

ORDERED, that the Chapter 13 Trustee is granted the sum of \$150.00 for administrative costs and expenses incurred during the pendency of this case; and it is further

ORDERED, that the instant Chapter 13 case be dismissed pursuant to 11 U.S.C. §1307(c) of the Bankruptcy Code.

Dated: Brooklyn, NY
February 27, 2008

s/Jerome Feller
Hon. Jerome Feller
United States Bankruptcy Judge